

REMARKS

The Official Action dated August 13, 2003, has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration and allowance of all remaining claims is respectfully requested.

Claims 1-13, 15 and 18-20 have been amended for purposes of clarity, while claims 21-32 have been added, support for the amendments and added claims being found in the specification and claims as filed. It is believed that these changes and additions do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested. Claims 14, 16 and 17 have been canceled. Claims 1-13, 15 and 18-32 remain in the application for consideration.

In the Official Action, claim 2 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In view of the current amendment to claim 2, Applicants believe that the rejection under 35 U.S.C. § 112, second paragraph, has been overcome.

Claims 1-8 and 12-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Cambre U.S. Patent No. 4,199,464 (hereinafter referred to as "Cambre"). The Examiner asserted that Cambre discloses a laundry substrate article which provides various benefits including dye transfer inhibition. Particularly, the Examiner noted that Cambre teaches inhibiting the transfer of certain dyes. Moreover, the Examiner alleged that the article can include multi-layer paper structures which may be embossed. The Examiner also asserted that Cambre discloses a two-layer embodiment where the first and second layers weigh 77.5 gsm. The Examiner also alleged that Cambre teaches that the cloths can be air-laid. Finally, the Examiner asserted that Cambre discloses that the substrate has a melting point higher than at least 300°F.

However, as will be set forth in detail below, it is submitted that the multi-layer dye-

scavenging articles defined by claims 1-8 and 12-18 are not anticipated by Cambre. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As defined by claim 1, from which claims 2-4 and 12-18 depend, the present invention is directed to a multi-layer dye-scavenging article having a first layer and second layer positioned adjacent to each other and a dye absorbing compound, wherein the dye absorbing compound is fixed to one or both of the first and second layers.

As defined by claim 5, from which claims 6-8 depend, the present invention is directed to a multi-layer dye-scavenging article having a first layer, a second layer, at least one additional layer and a dye absorbing compound. The first layer has a basis weight from about 10 gsm to about 200 gsm, the second layer has a basis weight of from about 30 gsm to about 200 gsm, and the at least one additional layer has a basis weight of from about 10 gsm to about 200 gsm. The dye absorbing compound is fixed to at least one of the first layer, the second layer or the at least one additional layer.

However, Applicants find no teaching by Cambre of the multi-layer dye-scavenging article as defined by claims 1 and 5. That is, Cambre discloses substrate articles, used in the laundering of fabrics, which exhibit improved release of their active components into a washing solution (col. 2, lines 3-6). Moreover, Cambre generically discloses that the article may also provide fabric care benefits such as dye transfer inhibition (col. 1, lines 54-57). However, in contrast to the present articles, which include dye absorbing compounds fixed to a layer of the dye-scavenging article, Cambre teaches the release of a detergent composition including a surfactant mixture and a nonionic or cationic solubilization aid (col. 2, lines 7-67 - col. 3, lines 1-24). Applicants find no teaching by Cambre of multi-layer dye-scavenging article having a dye absorbing compound fixed to one or both of the first and second layers of the article. Therefore, Applicants find no teaching of a multi-layer dye-scavenging article as recited by claims 1 and 5.

Anticipation under 35 U.S.C. § 102 requires the disclosure in a single prior art reference of each element of the claims under consideration, *Alco Standard Corp. v. TVA*, 1 U.S.P.Q.2d 1337, 1341 (Fed. Cir. 1986). In view of the failure of Cambre to teach a multi-layer dye-scavenging article as defined by claims 1 and 5, particularly having a dye absorbing compound fixed to at least one of the layers in the article as presently claimed, Cambre does not disclose each element of the claims under consideration, and therefore, does not anticipate the multi-layer dye-scavenging articles of claims 1 and 5 under 35 U.S.C. § 102.

It is therefore submitted that the multi-layer dye-scavenging articles as defined by claims 1-8 and 12-18 are not anticipated by and are patentably distinguishable from Cambre and the rejection of claims 1-8 and 12-18 under 35 U.S.C. § 102 has been overcome. Reconsideration is respectfully requested.

Claims 2, 10, 11 and 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Cambre. The Examiner noted that Cambre does not explicitly teach the limitations of stiffness and water permeability, but alleged that such limitations would be inherent in the present invention. In the alternative, the Examiner asserted that the claimed stiffness would have been obvious provided the process disclosed by Cambre, where the Examiner alleged that Cambre discloses that fiber density and thickness can be adjusted so long as the article is able to maintain its structural integrity during a wash. The Examiner also asserted that it is reasonable to presume that the first layer of the article has an opacity of less than 70% and that the permeability properties are also inherent to the teachings of Cambre. In the alternative, the Examiner also alleged that it would have been obvious in lieu of the teachings of Cambre for a person having ordinary skill in the art to make the first layer less opaque or make the water permeability greater than or equal to 0.06 ml/sec/cm², by adjusting the thickness, fiber density and void volume.

However, as will be set forth in detail below, it is submitted that the multi-layer dye-scavenging articles defined by claims 2, 10, 11 and 18-20 are neither anticipated by nor rendered obvious over, and are patentably distinguishable from, Cambre. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As previously discussed, claim 1, from which claims 2 and 18-20 depend, includes a multi-layer dye-scavenging article having a first layer and second layer positioned adjacent to each other and a dye absorbing compound, wherein the dye absorbing compound is fixed to one or both of the first and second layers.

The multi-layer dye-scavenging articles of the present application, as defined by claim 10, from which claim 11 depends, include a first layer, a second layer, at least one additional layer and a dye absorbing compound. The first layer has an opacity of less than about 70%. The dye absorbing compound is fixed to at least one of the first layer, the second layer or the at least one additional layer.

As discussed above, Cambre does not anticipate claim 1, and as such, claims 2 and 18-20, which depend from claim 1, are also not anticipated by Cambre.

Moreover, Applicants find no teaching by Cambre of the multi-layer dye-scavenging article as defined by claim 10. Once again, Cambre discloses substrate articles, used in the laundering of fabrics, which exhibit improved release of their active components into the washing solution (col. 2, lines 3-6). Cambre generically discloses that the article may also provide fabric care benefits such as dye transfer inhibition (col. 1, lines 54-57). However, in contrast to the present articles, which include dye absorbing compounds fixed to a layer of the dye-scavenging article, Cambre teaches the release of a detergent composition including a surfactant mixture and a nonionic or cationic solubilization aid (col. 2, lines 7-67 - col. 3, lines 1-24). Applicants find no teaching by Cambre of multi-layer dye-scavenging article having a dye absorbing compound fixed to one or both of the first, second or at least one

additional layers of the article. Therefore, Applicants find no teaching of a multi-layer dye-scavenging article including a dye absorbing compound fixed to at least one of the layers in the article as recited by claim 10.

In view of the failure of Cambre to teach a multi-layer dye-scavenging article as defined by claim 10, particularly having a dye absorbing compound fixed to at least one of the layers in the article as presently claimed, Cambre does not disclose each element of the claims under consideration, and therefore, does not anticipate the multi-layer dye-scavenging articles of claim 10 under 35 U.S.C. § 102.

Moreover, Applicants find no teaching by Cambre that would render the articles as defined by claims 1 and 10, or the claims dependent thereon, obvious. Cambre teaches the release of a detergent composition including a surfactant mixture and a nonionic or cationic solubilization aid (col. 2, lines 7-67 - col. 3, lines 1-24). Applicants find no teaching or suggestion by Cambre of a multi-layer dye-scavenging article having a dye absorbing compound fixed to at least one layer of the dye-scavenging article. Moreover, Applicants find no teaching or suggestion by Cambre of an article having a stiffness as required by claims 2 and 20. One skilled in the art would appreciate that a mere reference by Cambre to structural integrity does not teach or suggest the claimed stiffness limitations. In addition, Applicants find no teaching or suggestion by Cambre of an article having an opacity as required by claim 11. One skilled in the art will appreciate that a mere reference by Cambre to structural integrity does not teach or suggest opacity limitations. Furthermore, Applicants find no teaching or suggestion by Cambre of an article having a water permeability as required by claim 19. Once again, a mere reference by Cambre to structural integrity does not teach or suggest water permeability limitations.

Thus, the teachings of Cambre do not render the limitations of claims 2, 10, 11 and 18-20 obvious. Applicants find no teaching or suggestion to modify this reference to result in

multi-layer dye-scavenging article including a dye absorbing compound which is fixed to at least one layer in the dye-scavenging article as defined by claims 2, 10, 11 and 18-20. Therefore, Cambre provides no teaching or suggestion of the articles as employed in the present claims 2, 10, 11 and 18-20.

It is well settled that to support a rejection under 35 U.S.C. § 103, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). The generic disclosure in Cambre that the detergent composition being released from the substrate may inhibit the transfer of certain dyes does not provide any suggestion or motivation to include a dye absorbing compound fixed to at least one of the layers in the dye-scavenging article as set forth in claims 2, 10, 11 and 18-20. Moreover, there is no teaching or suggestion by Cambre that fixing the dye absorbing compound provides an aesthetic benefit to the user where the absorbed dyes can be observed on the article as taught in the present application. Thus, Cambre does not provide an enabling disclosure, and, therefore does not support a rejection under 35 U.S.C. §103.

It is therefore submitted that the multi-layer dye-scavenging articles as defined by claims 2, 10, 11 and 18-20 are not anticipated by, are non-obvious over and are patentably distinguishable from Cambre, and the rejections of claims 2, 10, 11 and 18-20 under 35 U.S.C. § 102, or in the alternative, under 35 U.S.C. § 103 have been overcome. Reconsideration is respectfully requested.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cambre. The Examiner noted that Cambre does not disclose a specific two-layer embodiment where the second layer has a weight between 80 and 120 gsm. The Examiner alleged that Cambre does disclose a two-layer embodiment where both layers weigh 77.5 gsm and where the weight of the layer can be between 50 and 90 gsm. Moreover, the Examiner contended that it

would have been obvious to one having ordinary skill in the art to make the second layer have a basis weight between 80 and 120 gsm to maintain structural integrity of the article by increasing the strength of the second layer.

However, as will be set forth in detail below, it is submitted that the multi-layer dye-scavenging articles as defined by claim 9 are non-obvious over and patentably distinguishable from Cambre. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

The multi-layer dye-scavenging article of the present application, as defined by claim 9, includes a first layer, a second layer, at least one additional layer and a dye absorbing compound. The first layer has a basis weight from about 10 gsm to about 200 gsm. The second layer has a basis weight of from about 80 gsm to about 120 gsm. The at least one additional layer has a basis weight of from about 10 gsm to about 200 gsm. The dye absorbing compound is fixed to at least one of the first layer, the second layer or the at least one additional layer.

However, Applicants find no teaching by Cambre of the articles as defined by claim 9. That is, Cambre discloses substrate articles, used in the laundering of fabrics, which exhibit improved release of their active components into the washing solution (col. 2, lines 3-6). As discussed above, while Cambre generically discloses that the article may also provide fabric care benefits such as dye transfer inhibition (col. 1, lines 54-57), Cambre teaches the release of a detergent composition including a surfactant mixture and a nonionic or cationic solubilization aid (col. 2, lines 7-67 - col. 3, lines 1-24). Applicants find no teaching or suggestion by Cambre of a multi-layer dye-scavenging article having a dye absorbing compound fixed to at least one layer in the dye-scavenging article.

Thus, the teachings of Cambre do not render the limitations of claim 9 obvious. Applicants find no teaching or suggestion to modify this reference to result in multi-layer

Serial No. 09/973,440
Amendment dated November 12, 2003
Reply to Official Action of August 13, 2003

dye-scavenging article including a dye absorbing compound fixed to at least one of the first, second or at least one additional layers as defined by claim 9. Cambre provides no teaching or suggestion of the articles as employed in the present claim 9.

To support a rejection under 35 U.S.C. § 103, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne, supra*. The generic disclosure in Cambre that the detergent compositions added to the substrate can inhibit certain dyes in a wash solution does not provide any suggestion or motivation to include fixing a dye absorbing compound to at least one of the layers of the dye-scavenging article as set forth in claim 9. Thus, Cambre does not provide an enabling disclosure, and, therefore does not support a rejection under 35 U.S.C. §103.

It is therefore submitted that the multi-layer dye-scavenging articles as defined by claim 9 are non-obvious over and patentably distinguishable from Cambre, and the rejection of claim 9 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above amendments and remarks represent a complete response to the rejections under 35 U.S.C. §§ 102, 103 and 112, second paragraph, placing the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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